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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,064	01/19/2001	Hyung Hoon Oh	0630-1221P	6671
2292	7590	03/28/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SENI, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,064

Applicant(s)

OH ET AL.

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/16/2004, fwd 2/10/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims 1, 8-13

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-7, 11-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amends (amendment filed 12/16/2004) claims 1, 8 – 9 and 11, and canceled claims 2 – 7 and 14 – 19.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8 and 11 – 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061) in view of Chou et al (US 6,594,798).

Regarding claim 1, Yuzawa '061 teaches, "an image communication for compressing video and audio data of an image and transmitting them " (i.e. fig. 1), in which one packet data frame comprising: "a header data for separating video data and audio data and for synchronizing between a transmitter side and a receiver side" (i.e. fig. 1, separation unit 11, col. 6, lines 41 – 44 and header data has to include the synchronization information for a proper communication between a transmitter and the receiver), and "transmission and reception data size based on a communication speed" (i.e. fig. 10, transmission and receiver system), and "compressed audio data and video data" is inherent feature in MPEG for transmission, and "a control index representing information for indicating an additional operation (i.e. fig. 4, section indicator, col. 7, lines 48 – 54), including an image quality selection an image retransmission (i.e. fig. 4, error correction CRC, where indicate an error and alternatively after correcting the error

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the data will be retransmitted), a privacy mode (i.e. fig. 4, private indicator) and a change in the size of video data" (i.e. figs. 4, code data X N), and "a control data for notifying receiver side of data relating to the additional operation" reads on the other necessary data included in header. Yuzawa '061 does not specifically show that the quality of the image is based on the compression ratio of a video data to be transmitted and sequence number for requesting the image retransmission. However the above claim limitation is well known in the prior art of the record as evidenced by Chou '798, in particular (i.e. cols. 1 - 2, lines 66 - 40, and col. 13, lines 7+) teaches broadcasting video and audio data at different transmission rates/bandwidth, to improve the quality at higher rates. Therefore, Taking the combined teaching of Yuzawa '061 and Chou '798 as a whole it would have been obvious to one ordinary skill in the art at the time of the invention was made to use the teaching of Chou '798 and modify the data transmission and reception device of Yuzawa '061, to make more source information through transmission at the higher rate and to achieve a better quality (i.e. col. 13, lines 7+), and the sequence number for retransmission, reads on (i.e. col. 4, lines 26 - 32).

Regarding claim 8, combination of Yuzawa '061 and Chou '798 teach, the claimed "data transmission protocol, wherein the control data represents information of a packet size of the image data when the control index represents a change in the image data size" (i.e. col. 12, lines 9 - 36 of Chou).

Regarding claims 11 - 13, combination of Yuzawa '061 and Chou '798 teach, "a sequence number and a CRC code are inserted for each different image data size

based on a predetermined value according to the change in the image data size indicated by the control index information" (i.e. col. 5, lines 37 – 45 of Yuzawa '061).

4. Claims 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061) in view of Martin (US 5,539,823).

Regarding claims 9 – 10, Yuzawa '061 teaches "an image communication for Compressing video and audio data of an image and transmission of the image " (i.e. fig. 1), and "a control index representing an information for indicating an additional operation" (i.e. fig. 4, section indicator, col. 7, lines 48 – 54).

Yuzawa '061 fails to particularly show "inverse of video or audio data" as claimed. However the above claim limitation is well known in the prior art as evidenced by Martin '823, in particular (i.e. col. 1, lines 35+) teaches video inversion for enhancement of viewing security of the video signal.

Taking the combined teaching of Yuzawa '061 and Martin '823, as a whole it would have been obvious to one ordinary skill in the art at the time the invention was made to provide video inversion and change modes to enhance viewing security of the video signal (i.e. col. 2, lines 53 - 54+).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(571) 272-7331**

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

3/18/2005


CHRIS KELLEY
PATENT EXAMINER
3/18/2005